

ORIGINAL

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8/7/01

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,

Plaintiff

vs.

PAUL EVANKO, MARK  
CAMPBELL, THOMAS COURY,  
JOSEPH WESTCOTT,  
HAWTHORNE CONLEY,  
JOANNA REYNOLDS, AND  
SYNDI GUIDO,

Defendants

NO. 1: CV-01-0084  
(Judge Caldwell)

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

FILED  
HARRISBURG

AUG 06 2001

MARY E. DIANDREA, CLERK  
Per 5/16  
DEPUTY CLERK

**DEFENDANTS' MOTION FOR SANCTIONS PURSUANT  
TO RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE  
EXHIBIT A, AFFIDAVIT OF SERGEANT WALTER J. MARGESON**

JAMES M. SHEEHAN  
General Counsel  
Commonwealth of Pennsylvania

SYNDI L. GUIDO  
Deputy General Counsel  
Governor's Office of General Counsel  
333 Market Street, 17<sup>th</sup> Floor  
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(717) 783-6563

JOANNA N. REYNOLDS  
Assistant Counsel  
Pennsylvania State Police  
1800 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 783-5568

STATE OF Pennsylvania

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COUNTY OF Dauphin

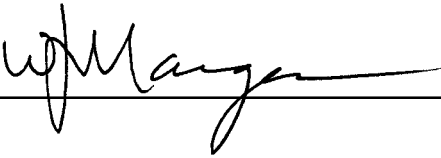
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AFFIDAVIT

I, Sergeant Walter J. Margeson , being first duly sworn according to law, depose and say:

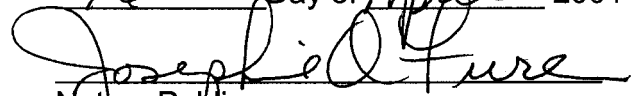
1. I, Sergeant Walter J. Margeson, am assigned to the PSP Bureau of Research and Development (R&D), as the Supervisor of the Systems and Procedures Section.
2. Among my duties are the tracking and handling of revisions and amendments to PSP Departmental regulations.
3. I participated in the tracking and handling of revisions and amendments to Administrative Regulation (AR) 1-1, **Organization**, which included AR 1-1.02 C, **Chain of Command**.
4. The revision to AR 1-1.02, specifically the addition of 1.02 C, was authored by me in response to an inquiry made at least one year ago by Major Leonard Washington, then Director of the PSP Bureau of Emergency and Special Operations. Major Washington requested that the traditional chain of command practice and mentality, as taught at the PSP Academy, be reiterated in Departmental regulations.
5. In response to that inquiry, I discussed the matter with Captain Larry Riley of the PSP Bureau of Training and Education. In that the request for the addition of 1-1.02 C did not originate from the Commissioner or his deputies, I did not discuss the matter with them.
6. Subsequent to those discussions, I composed the language of AR 1-1.02 C to respond to the request. The Office of Chief Counsel, PSP, was not consulted regarding this language nor were they requested to review or approve the language prior to its issuance. More specifically, Assistant Counsel Joanna Reynolds did not compose, review or approve the language contained in AR 1-1.02 C prior to its issuance.
7. AR 1-1.02 C was processed, in conjunction with all AR 1-1 revisions and in conformity with R&D and Departmental procedure, in order to prepare the Department for its triennial Commission on Accreditation of Law Enforcement Agencies (CALEA) accreditation inspection, which occurred

from April 7<sup>th</sup> through April 12<sup>th</sup>, 2001. The change sheet which accompanied distribution of the official revision of the regulation was auto-penned by the Commissioner rather than signed by him personally.

  
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Sworn to and subscribed before me this

16<sup>th</sup> Day of April 2001

  
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Notary Public

My Commission Expires:

